

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireless Emergency Alerts	)	PS Docket No. 15-91
	)	
Amendments to Part 11 of the Commission's Rules	)	PS Docket No. 15-94
Regarding the Emergency Alert System	)	

**ORDER ON RECONSIDERATION**

**Adopted: October 31, 2017****Released: November 1, 2017**

By the Commission: Chairman Pai and Commissioner Rosenworcel issuing separate statements.

**I. INTRODUCTION**

1. Wireless emergency alerts can play an important role in alerting the public of natural disasters and other public safety dangers that require the attention of consumers. The Commission's Wireless Emergency Alerting (WEA) system allows mobile service providers to voluntarily deliver timely and accurate emergency alerts over subscribers' mobile devices. After the Commission adopted various improvements to that system in 2016,<sup>1</sup> certain national and regional commercial mobile service providers sought reconsideration.<sup>2</sup> In this *Order on Reconsideration*, we reaffirm our existing schedule for geo-targeting alerts to "best approximate" the target area and reaffirm that the five largest mobile service providers must provide "clickable" embedded references by November 1, 2017, but we extend the timeline for smaller, regional wireless providers to come into compliance with that requirement. These actions ensure that smaller, regional wireless providers remain part of the WEA system while maximizing the deployment of more effective wireless emergency alerts to consumers.

**II. BACKGROUND**

2. In 2008, pursuant to the Warning, Alert and Response Network (WARN) Act,<sup>3</sup> the Commission adopted rules allowing Commercial Mobile Service (CMS) Providers to voluntarily deliver

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<sup>1</sup> See *Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91, 15-94, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 11112 (2016) (*WEA R&O*).

<sup>2</sup> See Petition of CTIA for Reconsideration of the Wireless Emergency Alerts (WEA) Report and Order, PS Docket Nos. 15-91, 15-94 (filed Dec. 1, 2016) (CTIA Petition) <https://ecfsapi.fcc.gov/file/1201436312000/CTIA%20WEA%20Petition%20For%20Reconsideration.pdf>; See Petition of Competitive Carriers Association (CCA) for Waiver, or in the Alternative, Extension of Time, PS Docket No. 15-91 (filed Aug. 16, 2017) (CCA Petition) [https://ecfsapi.fcc.gov/file/10816865130307/CCA%20WEA%20Petition%20for%20Waiver%20\(081617\).pdf](https://ecfsapi.fcc.gov/file/10816865130307/CCA%20WEA%20Petition%20for%20Waiver%20(081617).pdf). We address issues raised by these petitions to the extent noted herein and otherwise defer resolution of these petitions.

<sup>3</sup> See Warning, Alert and Response Network (WARN) Act, Title VI of the Security and Accountability For Every Port Act of 2006, 120 Stat. 1884, *codified at* 47 USC § 1200, *et seq.* (2006) (WARN Act).

timely and accurate emergency alerts over subscribers' mobile devices.<sup>4</sup> Since WEA was deployed in April 2012,<sup>5</sup> advancements in wireless technology, including the widespread use of smartphones and 4G networks, have made more effective and comprehensive alerting possible. In November 2015, the Commission adopted the *Wireless Emergency Alerts Notice of Proposed Rulemaking (WEA NPRM)*, seeking comment on potential improvements to WEA.<sup>6</sup> Among these improvements, the Commission proposed to require Participating CMS Providers to support embedded references in all Alert Messages within one year.<sup>7</sup> In September 2016, the Commission adopted the *WEA R&O*, which eliminated the prohibition on the use of embedded references in non-Presidential Alerts and required Participating CMS Providers to support embedded references within one year of the rules' publication in the Federal Register.<sup>8</sup> Among other issues, CTIA timely petitioned the Commission to reconsider, or, in the alternative, clarify this requirement.<sup>9</sup>

3. CTIA requests that the Commission defer mandating implementation of embedded references until after feasibility testing is completed (i.e., testing whether embedded references in WEA alerts would cause harmful network congestion) and the requirements for compliance are clarified (e.g., that the Commission is requiring embedded reference capability only for new devices).<sup>10</sup>

4. CTIA makes three arguments: “[m]andating compliance before comprehensive feasibility testing may lead to substantial network congestion;”<sup>11</sup> “testing, prior to mandating compliance, is necessary to determine the feasibility of supporting embedded references;”<sup>12</sup> and “the compliance deadline has no sound basis in the record.”<sup>13</sup>

5. On December 19, 2016, the Commission published notice of CTIA's petition in the Federal Register.<sup>14</sup> On August 16, 2017, the CCA filed a Petition for Waiver, or in the Alternative,

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<sup>4</sup> See 47 CFR § 10.01, *et seq.*

<sup>5</sup> See FCC's Public Safety and Homeland Security Bureau Sets Timetable in Motion for Commercial Mobile Service Providers To Develop a System That Will Deliver Alerts to Mobile Devices, PS Docket No. 07-287, Public Notice, 24 FCC Rcd 14388 (PSHSB 2009).

<sup>6</sup> See *Improving Wireless Emergency Alerts and Community-initiated Alerting*, PS Docket No. 15-91, Notice of Proposed Rulemaking, 30 FCC Rcd 13781 (2015) (*WEA NPRM*). The Commission received 104 comments and 8 replies in response to the *WEA NPRM*.

<sup>7</sup> See *WEA NPRM*, 30 FCC Rcd at 13794, para. 25 (proposing to require support for embedded references); *id.* at 13820, para. 84 (proposing to require compliance with our WEA messaging rules within one year from the adoption of final rules). Embedded references are links that contain telephone numbers or Uniform Reference Locators (URLs) that permit the message recipient to dial the telephone numbers or visit the URLs by clicking on the link. See *WEA R&O*, 31 FCC Rcd at 11131 (defining embedded references).

<sup>8</sup> *WEA R&O*, 31 FCC Rcd at 11132, para. 29 (requiring embedded references); *id.* at 11162, para. 80 (requiring support for embedded references within one year).

<sup>9</sup> Compare *WEA R&O*, 81 Fed. Reg. 75710 (Nov. 1, 2016) with CTIA Petition (filed Dec. 1, 2016); see also 47 CFR § 1.429(d) (requiring that “[t]he petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b)”).

<sup>10</sup> See CTIA Petition at 5-6; *id.* at 8-9.

<sup>11</sup> CTIA Petition at 3.

<sup>12</sup> CTIA Petition at 5.

<sup>13</sup> CTIA Petition at 6.

<sup>14</sup> See 81 Fed. Reg. 91899 (Dec. 19, 2016); 47 CFR § 1.429(e). One commenter supported the CTIA Petition (T-Mobile USA, Inc.); four parties opposed the CTIA Petition (National Center for Missing & Exploited Children (NCMEC), Association of Public-Safety Communications Officials-International (APCO), New York City Emergency Management (NYCEM), Telecommunications for the Deaf and Hard of Hearing et al. (TDI); CTIA filed a Reply.

Extension of Time, requesting a waiver or extension of the compliance timeline for support for embedded references until May 1, 2019, consistent with CTIA's request.<sup>15</sup> CCA further requested a waiver or extension of time for compliance with the *WEA R&O*'s geo-targeting requirement until May 1, 2019.<sup>16</sup>

### III. DISCUSSION

#### A. Timeframe for Supporting Basic Geo-Targeting

6. CCA requests that we waive or delay the November 1, 2017 deadline for basic geo-targeting (known as "best approximates" geo-targeting).<sup>17</sup> We decline the request and reaffirm the current schedule for the deployment of basic geo-targeting for wireless emergency alerts.

7. The basic geo-targeting standard is designed to be flexible and to take into consideration the specific capabilities of each Participating CMS Provider. In the *WEA R&O*, the Commission set forth the expectation that Participating CMS Providers will take reasonable efforts to leverage existing technology to its fullest extent<sup>18</sup> and articulated potential techniques and benchmarks for basic geo-targeting.<sup>19</sup> As the Commission noted when it adopted the initial rules for WEA, the system is technologically neutral, and Participating CMS providers "are in the best position to select and incorporate the technologies that will enable them to most effectively and efficiently deliver mobile alerts."<sup>20</sup>

8. Although CCA asserts that many of its members cannot comply with the standard because they are still transitioning from 2G and 3G to 4G technologies and because the standards applicable to "best approximates" are still in development,<sup>21</sup> we reject CCA's contention that its ability to meet the basic geo-targeting standard is affected in any way by a particular technology such as cell

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<sup>15</sup> CCA Petition at 6-7.

<sup>16</sup> See CCA Petition at 7. On August 31, 2017, CCA filed a second Petition for Waiver of the Commission's rules requiring Participating CMS Providers to provide 60-days' notification to subscribers and the Commission of their election to withdraw participation in WEA. See Petition of the Competitive Carriers Association for Waiver, PS Docket No. 15-91, at 1 (filed Aug. 31, 2017) (Second CCA Petition). The Bureau granted this waiver, in part, in two separate orders. See Public Safety and Homeland Security Bureau Grants Waiver of 60-Day Subscriber Notification Requirement, PS Docket No. 15-91, Order, DA 17-903 (PSHSB Sep. 15, 2017); Public Safety and Homeland Security Bureau Grants Temporary Waiver of 60-Day Subscriber Notification Requirement, PS Docket No. 15-91, Order, DA 17-835 (PSHSB Sep. 1, 2017). The Bureau granted a limited waiver of the 60-day notification requirement because CCA indicated that some of its members would be forced to opt out of the WEA program (by September 1, 2017), to the detriment of consumers, because they could not comply with the embedded references or geo-targeting requirements by the November 1, 2017 deadline. See Second CCA Petition at 3, 6 (noting that "CCA's members do not wish to opt out of the WEA program, and certainly do not wish to do so on the brink of hurricane season."). Granting CCA members a partial waiver of the 60-day notification rule thus prevented the immediate withdrawal of CCA members from WEA participation during multiple and unusually severe weather events and related recovery efforts while the Commission considered the merits of CCA's request for a waiver from those requirements.

<sup>17</sup> See Letter from Rebecca Murphy Thompson, EVP and General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 2 (filed Sept. 29, 2017) at 2. (CCA Sept. 29 *Ex Parte* Letter).

<sup>18</sup> See *WEA R&O*, 31 FCC Rcd at 11148, para. 53.

<sup>19</sup> See *WEA R&O*, 31 FCC Rcd at 11148 (e.g., algorithm-based facility selection and cell sectorization, as well as acceptable overshoot limits for urban and rural areas).

<sup>20</sup> See *Commercial Mobile Alert System*, First Report and Order, PS Docket No. 07-287, FCC 08-99, para 33 (2008) (*CMAS First Report and Order*).

<sup>21</sup> See CCA Petition at 3.

broadcasting.<sup>22</sup> Rather, we anticipate that CCA's members, like other Participating CMS Providers, will "continue to employ the techniques that they have been deploying as a matter of best practice."<sup>23</sup> Accordingly, given the inherent flexibility in the "best approximates" geo-targeting standard, we find no basis for granting relief from this requirement.<sup>24</sup>

#### **B. Timeframe for Supporting Embedded References**

9. CTIA and CCA request we revise the compliance timeframe for the embedded reference requirement. We decline to do so for the five largest Participating CMS Providers—Verizon, AT&T, Sprint, T-Mobile, and U.S. Cellular—who have indicated that they are able to and intend to support embedded references on smartphones capable of processing them by the November 1, 2017 deadline.<sup>25</sup> We observe that the *WEA R&O* explicitly made clear that the embedded reference requirement can be enabled through software updates,<sup>26</sup> and that Participating CMS Providers could implement "the necessary changes to their software" to make the embedded reference capability available to customers.<sup>27</sup> Mobile devices that support neither embedded references nor the software updates that would provide such capability will not be considered WEA capable.

<sup>22</sup> See CCA Petition at 7. The Commission's geo-targeting requirement also allows a Participating CMS Provider to transmit the Alert Message to an area no larger than the propagation area of a single transmission site. See *id.*, 31 FCC Rcd at 11148, para 54. Consistent with the technological neutrality of WEA, the term "transmission site" is not defined to be limited to any particular technology.

<sup>23</sup> See *WEA R&O*, 31 FCC Rcd at 11148, para 54.

<sup>24</sup> The Commission has signaled its intention to adopt even more granular geo-targeting requirements, which is the subject of a pending proceeding and will be addressed in a forthcoming item. See *Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91, 15-94, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 11112, 11198-11203, paras 138-145 (2016).

<sup>25</sup> See Letter from Robert G. Morse, Associate General Counsel for Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 1 (filed Oct. 5, 2017) (Verizon Ex Parte Letter) (indicating that Verizon's networks will be able to deliver alerts with embedded references on smartphones capable of processing them by November 1, 2017, but that some feature phones and smartphone models may not have this capability); Letter from Joseph P. Marx, Assistant Vice President, AT&T Services, Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 1 (filed Oct. 12, 2017) (AT&T Ex Parte Letter) (indicating that "AT&T will be able to deliver wireless emergency alerts with an embedded reference by November 1, 2017 as required by the rules," while noting that this capability will not be supported on "certain handsets in the market" including "feature phones" and "smartphone models that are no longer upgradeable"); Letter from Steve Sharkey, Vice President, Technology and Engineering Policy, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 1 (filed Oct. 10, 2017) (T-Mobile Ex Parte Letter) (stating that T-Mobile expects to support embedded references in WEA messages on "devices capable of processing them" by the November 1, 2017 deadline); Letter from John C. Gockley, Vice President, Legal and Regulatory Affairs, U.S. Cellular Corporation, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 1 (filed Oct. 11, 2017) (US Cellular Ex Parte Letter) (confirming that US Cellular expects to support embedded references in wireless emergency alerts by November 1, 2017, but explaining that "not all devices would be capable of handling these messages in a 'clickable' format"); Letter from Ray Rothermel, Counsel for Legal and Governmental Affairs, Sprint Corporation, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 1 (filed Oct. 13, 2017) (Sprint Ex Parte Letter) (explaining that Sprint "intends to support WEA messages that include embedded URL, as required by the rules," but noting that some legacy devices already in use by consumers will not have this capability).

<sup>26</sup> *WEA R&O*, 31 FCC Rcd at 11177-78, para. 99. See also APCO Opposition at 4 ("APCO understands that this may be technically infeasible for some devices, but CTIA's request goes much further. Limiting support for embedded references to 'new, WEA-capable devices' would unreasonably deny the benefits of enhanced WEA messages to a large number of existing devices in circulation that already support the use of embedded references in non-WEA contexts.").

<sup>27</sup> *WEA R&O*, 31 FCC Rcd at 11162, para. 80.

10. We nonetheless grant 18 months of relief to smaller, regional operators—specifically, all Participating CMS Providers other than the largest five—so that they will have additional time to deploy network upgrades and learn from the deployment experiences of the largest Participating CMS Providers on how best to ensure embedded references are smoothly integrated into the WEA system.<sup>28</sup>

11. CCA argues that its members, which are smaller and regional providers, have fewer resources, and that 18 additional months is sufficient time to implement the embedded references requirement.<sup>29</sup> We agree. As CCA notes, smaller and regional wireless providers within its membership do not participate in the Alliance for Telecommunications Industry Solutions' (ATIS) standards-setting process and may need additional time to review and implement these standards.<sup>30</sup> Further, as CCA notes, the capabilities necessary for some providers to implement enhanced WEA requirements are still in flux. For example, carriers that are currently participating in the WEA program through an application-based solution need additional time to coordinate, test, and implement updates to current standards.<sup>31</sup> This transition may necessitate additional time for compliance, coordination, and testing. As the Commission has otherwise found, 30 months from the rules' publication in the Federal Register, i.e., May 1, 2019, is sufficient time to comply with WEA requirements that necessitate the development of standards and software, testing, and deployment, and we find this time frame to be sufficient and necessary for Participating CMS Providers (apart from the five largest) to comply with the embedded references deadline, particularly given the difficulties that CCA has described in its Petition.<sup>32</sup> We anticipate that this relief will dissuade CCA members from withdrawing from WEA participation because they cannot comply with the embedded references requirement by the November 1, 2017 deadline.<sup>33</sup>

12. Finally, we are aware that there will be a short period of time between the original November 1, 2017 deadline for embedded references and the publication of this *Order on Reconsideration* in the Federal Register, notwithstanding that the record reflects good cause for such relief being immediately effective. Accordingly, to the extent necessary to support the decision in this *Order on Reconsideration*, we waive the November 1, 2017 deadline for all Participating CMS Providers, except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, until the publication of this Order in the Federal Register.

#### IV. PROCEDURAL MATTERS

##### A. Accessible Formats

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<sup>28</sup> Accordingly, this rule will become effective May 1, 2019, the same day as other rules adopted by the *WEA R&O* that were made effective 30 months from the rules' publication in the Federal Register. *See* Wireless Emergency Alerts; Amendments to Rules Regarding the Emergency Alert System, 81 FR 75710 (November 1, 2016). We note that, combined, the four nationwide wireless service providers (Verizon, AT&T, T-Mobile and Sprint) and the fifth largest wireless service provider (U.S. Cellular) account for over 416 million subscribers, or over 99 percent of the nationwide total. *See* Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, Twentieth Report, paras. 13-14 n.37-39, Table II.B.1 (2017).

<sup>29</sup> CCA Petition at 3.

<sup>30</sup> Letter from Rebecca Murphy Thompson, EVP and General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91, at 2 (filed Oct. 6, 2017) (CCA October Ex Parte Letter) (stating that CCA members need additional time to comply with ATIS standards).

<sup>31</sup> CCA October Ex Parte Letter at 2 (indicating that upgrading to network-based solutions in order to implement ATIS standards for embedded references will require additional time).

<sup>32</sup> *See WEA R&O*, 31 FCC Rcd at 11161-62, para. 79.

<sup>33</sup> *See* CCA Petition at 5 (noting that while “many CCA members voluntarily participate in the WEA program, and view this as an important service provided to consumers,” absent relief, “many of these carriers may be forced to opt-out of the program until the requisite network upgrades can be reasonably made”).

13. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

**B. Paperwork Reduction Act**

14. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Therefore, it does not contain any new or modified information collection burdens for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4).

**C. Congressional Review Act**

15. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. *See* 5 U.S.C. § 801(a)(1)(A).

**D. Supplemental Final Regulatory Flexibility Analysis**

16. As required by the Regulatory Flexibility Act of 1980, as amended, we have prepared a Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) as set forth in Appendix B, addressing the actions taken in this Order.<sup>34</sup>

**E. Additional Information**

17. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

18. *Additional Information.* For additional information on this proceeding, contact Gregory Cooke of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, [gregory.cooke@fcc.gov](mailto:gregory.cooke@fcc.gov), (202) 418-2351.

**V. ORDERING CLAUSES**

19. Accordingly, IT IS ORDERED, pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. §§ 1202(a),(b),(c), (f), 1203, 1204 and 1206, that the CTIA Petition is granted to the extent specified herein and denied to the extent specified herein.

20. IT IS ALSO ORDERED, pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. §§ 1202(a),(b),(c), (f), 1203, 1204 and 1206, that the CCA Petition is granted to the extent specified herein and denied to the extent specified herein.

21. IT IS ORDERED, pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. §§ 1202(a),(b),(c), (f), 1203, 1204 and 1206, that the *Order on Reconsideration* in PS Docket Nos. 15-91 and 15-94 IS HEREBY ADOPTED.

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<sup>34</sup> 5 U.S.C. §604.



22. IT IS FURTHER ORDERED that, as set forth in this Order,<sup>35</sup> that the effective date of the requirement imposed by 47 CFR § 10.441 published at 81 FR 75710 is delayed until May 1, 2019, the same effective date as other rules adopted by the *WEA R&O* that were made effective 30 months from the publication of the rules adopted in the *WEA R&O* in the Federal Register.

23. IT IS FURTHER ORDERED that the provisions of this *Order on Reconsideration* WILL BECOME EFFECTIVE immediately upon publication in the Federal Register.<sup>36</sup>

24. IT IS FURTHER ORDERED that, effective upon the adoption of this order, that the rule adding 47 CFR § 10.441 published at 81 FR 75710 is waived to the extent set forth in this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>35</sup> Except as to AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, for which the effective date for this requirement remains November 1, 2017.

<sup>36</sup> Such provisions include rules that “reliev[e] a restriction.” *See* 5 U.S.C. § 553(d)(1).

## APPENDIX

## Supplemental Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA),<sup>1</sup> as amended, an Initial Regulatory Flexibility Analyses (IRFA) was incorporated in the *WEA Notice of Proposed Rulemaking*, adopted in November 2015.<sup>2</sup> The Commission included a Final Regulatory Flexibility Analysis (FRFA) in Appendix C of the September 2016 *WEA R&O*.<sup>3</sup> This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFA to reflect the actions taken in this Order on Reconsideration and conforms to the RFA.<sup>4</sup>

**A. Need for, and Objective of, the Order**

2. In the *WEA R&O*, we took advantage of the significant technological changes and improvements experienced by the mobile wireless industry since the passage of the Warning, Alert and Response Network (WARN) Act, and deployment of WEA to improve the utility of WEA as a life-saving tool. As pertinent to the *Order on Reconsideration* we adopt today, in the *WEA R&O* we adopted rules focused on improving WEA message content by narrowing the rules for the geo-targeting of alerts, requiring Participating Commercial Mobile Service (CMS) Providers to support embedded references (i.e., URLs and phone numbers) included in WEA Alert Messages. In doing so, we set a deadline for compliance with the embedded reference requirement of one year (12 months).

3. In this *Order on Reconsideration*, we grant, to the extent described herein, CTIA's Petition for Reconsideration of the *WEA R&O* and CCA's "Petition for Waiver, or in the Alternative, Extension of Time." In doing so, we deny CCA's request for a waiver or an extension of time for compliance with the *WEA R&O*'s "best approximates" geo-targeting standard, as compliance with the "best approximate" geo-targeting is well within the capabilities of CCA's members; and we reconsider the deadline for compliance with the embedded reference requirement from one year (12 months) to 30 months for all Participating CMS Providers except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, because these CMS Providers have indicated their ability and intent to meet the November 1, 2017 deadline for embedded references adopted in the *WEA R&O*. The actions we take today allow us to continue to advance down the path outlined in the *WEA R&O* while supplying additional time for compliance to smaller entities (i.e., small and regional carriers) with respect to the embedded reference requirement adopted therein.

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

4. There were no comments raised that specifically addressed the proposed rules and policies presented in the *WEA Notice of Proposed Rulemaking* IRFA.<sup>5</sup> Nonetheless, as described above, in light of reconsideration, waiver, and extension requests, the Commission considered the potential impact of the rules proposed in the IRFA on small entities and reduced the compliance burden in order to reduce the economic impact of the rules enacted herein on such entities.

<sup>1</sup> 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996).

<sup>2</sup> See *WEA Notice of Proposed Rulemaking*, 30 FCC Rcd 13781 (2015) (*WEA NPRM*), Appx. B.

<sup>3</sup> See *WEA R&O*, 31 FCC Rcd at 11235, Appendix C.

<sup>4</sup> See 5 U.S.C. § 604.

<sup>5</sup> See *WEA R&O*, 31 FCC Rcd at 11235.



**C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration**

5. Pursuant to the Small Business Jobs Act of 2010,<sup>6</sup> which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

6. The Chief Counsel did not file any comments in response to the proposed rule(s) in this proceeding.

**D. Description and Estimate of the Number of Small Entities to Which the Rules Would Apply**

7. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>7</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

8. As noted above, a FRFA was incorporated into the September 2016 *WEA R&O*. In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *WEA R&O*.<sup>8</sup> Those entities may be found in a number of services including, e.g.: wireless telecommunications carriers, broadband Personal Communications Service, narrowband Personal Communications Service, Wireless Communications Services, Advanced Wireless Services, lower and upper 700 MHz Band licenses, software publishers, and radio and television broadcasting and wireless communications equipment manufacturing. In this Order, we hereby incorporate by reference the descriptions and estimates of the number of small entities from the previous FRFA in this proceeding.

**E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities**

9. The data, information and document collection required by the September 2016 *WEA R&O* as described in the previous FRFA in this proceeding is hereby incorporated by reference.<sup>9</sup> The actions taken in this Order do not amend or otherwise revise those requirements, except to supply additional time for compliance with one of the requirements, i.e., embedded references in *WEA* messages.

**F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

10. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather

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<sup>6</sup> 5 U.S.C. § 604(a)(3).

<sup>7</sup> See *id.* § 603(b)(3).

<sup>8</sup> See *WEA R&O*, 31 FCC Rcd at 11236-45, paras. 8-27.

<sup>9</sup> *Id.* at 11245, paras. 28-29.

than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.”<sup>10</sup>

11. The analysis of the Commission’s efforts to minimize the possible significant economic impact on small entities as described in the previous FRFA in this proceeding is hereby incorporated by reference.<sup>11</sup> Additionally, in this Order, in response to concerns raised by small entities, i.e., small and regional carriers, the Commission is supplying additional time, until May 1, 2019, for all carriers (apart from the five) to comply with the embedded reference requirement.

**G. Report to Congress**

12. The Commission will send a copy of this Order, including this Supplemental FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>12</sup> In addition, the Commission will send a copy of this Order, including the Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order and Supplemental FRFA (or summaries thereof) will also be published in the Federal Register.<sup>13</sup>

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<sup>10</sup> 5 U.S.C. § 603(c)(1)-(4).

<sup>11</sup> See *WEA R&O*, 31 FCC Rcd at 11245-46, paras. 30-34.

<sup>12</sup> 5 U.S.C. § 801(a)(1)(A).

<sup>13</sup> See *id.* § 604(b).

**STATEMENT OF  
CHAIRMAN AJIT PAI**

Re: *Wireless Emergency Alerts*, PS Docket No. 15-91; *Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94.

Wireless emergency alerts (WEA) are one of several key tools to warn the public of imminent danger when disaster strikes. That's why the Commission has been working hard to make them more effective. Today, for example, we reaffirm the schedule for all carriers to implement the geo-targeting of alerts to make them useful to consumers and local public safety officials. We also reaffirm the deadline for the five largest wireless carriers to provide clickable embedded references. However, we unanimously agree to give smaller carriers additional time for them to comply with the clickable reference requirement. In taking this action, we recognize the unique challenges that smaller carriers face and the value of keeping them in his voluntary program.

But today's *Order on Reconsideration* does not end our work on WEA. Most importantly, we should be able to move forward soon on improving WEA's capabilities for geo-targeting alerts more precisely. The FCC's staff has been carefully studying the record compiled in response to last year's NPRM, and I intend to provide my colleagues with a proposal for action in the near future.

My gratitude extends to the staff for all their efforts on this *Order on Reconsideration*. Thanks to Gregory Cooke, Lisa Fowlkes, Megan Henry, Nicole McGinnis, James Wiley, and Renee Roland from the Public Safety and Homeland Security Bureau, and to David Horowitz, Bill Richardson, and Anjali Singh from the Office of General Counsel.

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Wireless Emergency Alerts*, PS Docket No. 15-91; *Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94.

Today's *Order on Reconsideration* reaffirms the Commission's timeframe for supporting basic geo-targeting for Wireless Emergency Alerts. It also reaffirms the timeframe for the five largest mobile service providers to provide embedded references, but allows smaller, regional operators additional time to come into compliance with that requirement.

While I support this effort to update the WEA system, recent events demonstrate the need to move with greater dispatch. The very steps we address here could have saved life and property as wildfires made their way through Northern California and hurricanes made landfall in Texas, Florida, and Puerto Rico. As Senator Harris and Senator Feinstein have noted, "emergency services in Northern California were not able to transmit lifesaving WEA messages, because of significant technical deficiencies in the WEA system." Those deficiencies include a lack of precise geo-targeting. And before Hurricane Harvey even hit Houston, Harris County public safety officials warned that WEA cannot be used to order evacuation for a hurricane, "because it is not able to target geographic areas accurately enough to make sure that distinct emergency instructions are being received by geographically adjacent groups."

We shouldn't be caught short like this again. Last year, the Commission proposed additional steps to improve the WEA system—including more granular geo-targeting, preservation of WEA messages, multilingual WEA messages, inclusion of multimedia, and the addition of two-way capabilities. We should address every one of these outstanding issues now—before the next disaster compels us to do so.